

- e. To draft, where appropriate, specific language amending the Faculty Code to implement the recommendations of the Special Committee; and
- f. To submit its report, recommendations, and draft language to the Faculty Senate by October 1997.

Executive Committee of the Faculty Senate
September 27, 1996

A RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE TO REVIEW
GRIEVANCE PROCEDURES AT THE GEORGE WASHINGTON UNIVERSITY
(96/6)

WHEREAS, the Faculty last reviewed the Faculty Code grievance procedures in 1986; and

WHEREAS, in recent years the number of grievances filed with the Dispute Resolution Committee has increased significantly; and

WHEREAS, it is prudent to consider possible changes in the Faculty Code grievance procedures, specifically, Procedures for the Implementation of the Faculty Code, E. Procedures for Implementation of Article X of the Faculty Code, to improve the efficiency of the process and the quality of the decisions; NOW THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

1. That a Special Committee of the Faculty Senate be and hereby is established to consist of five members to be nominated by the Executive Committee for election by the Senate; and
2. That this Special Committee be charged as follows:
 - a. To consider structural issues relating to the grievance procedures, including the size, composition, and term of membership of the Dispute Resolution Committee; and
 - b. To consider procedural issues relating to the grievance procedures, including the preliminary and formal procedures, the discovery mechanisms, the time periods provided for various stages of the procedures, the delegation of issues to the Hearing Officer for decision, and the appeals process; and
 - c. To consider remedial issues, including the consequences of failing to comply with Faculty Code provisions, the imposition of sanctions on parties who fail to file documents in a timely manner or who refuse to comply with discovery orders, and the vindication of the rights of a successful grievant; and
 - d. To consider such other defects in the grievance procedures as the Special Committee may discover; and

(continued)

General Business (cont'd)

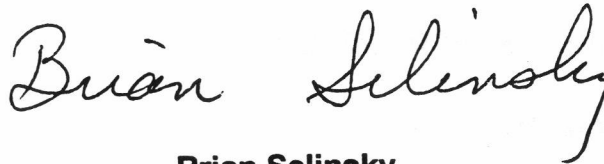
(c) Nomination for election of the following: Professor Paul M. Swiercz, Management Science, and Professor Douglas Jones to the Committee on Honors and Academic Convocations; Associate Professor Miriam Galston, Law, to the Committee on Appointment, Salary and Promotion Policies; and Professor William E. Seale, Finance, as Chair of the Committee on Administrative Matters as They Affect the Faculty (to succeed Professor Park, who resigned.)

(d) Report of the Executive Committee: Professor John G. Boswell, Chair

(e) Interim Reports of Senate Committee Chairs

6. Brief Statements (and Questions)

7. Adjournment

A handwritten signature in cursive script that reads "Brian Selinsky". The signature is written in dark ink and is positioned above the printed name and title.

Brian Selinsky
Secretary

**THE GEORGE WASHINGTON UNIVERSITY
Washington, DC**

The Faculty Senate

September 30, 1996

**The Faculty Senate will meet on Friday, October 11, 1996, at
2:10 p.m. IN STUART HALL, 2013 G ST. ROOM 210***

AGENDA

- 1. Call to order**
- 2. Approval of the minutes of the regular meeting of September 13, 1996,
as previously distributed**

3. Resolutions:

**A RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE TO REVIEW
GRIEVANCE PROCEDURES AT THE GEORGE WASHINGTON
UNIVERSITY (96/6); Professor Lewis D. Solomon, Executive Committee
of the Faculty Senate (Resolution 96/6 attached)**

4. Introduction of Resolutions

5. General Business:

- (a) Nomination for election of the following faculty members to a
Special Committee established by Resolution 96/6 (if approved
by the Senate under Item 3 above): Professors Mary Cheh, Chair
(Law), Joseph Pelzman (ESIA), Todd Peterson (Law), David
Robinson (Law), and William Howard, Deputy General Counsel**
- (b) Nomination for appointment by the Board of Trustees to
its new Committee on External Affairs: Associate Professor
Yvonne Captain, Chair, Committee on University and Urban Affairs**

***NOTE: Prior to the Senate meeting, a tour of newly-renovated
academic spaces will be conducted by Associate Vice
President Rogers at 1:30 p.m. Please meet on the first
floor of Lisner Hall, 2023 G St. (near elevators) for this tour.**

REPORT OF THE EXECUTIVE COMMITTEE
October 11, 1996
Professor John G. Boswell, Chair

1. APPOINTMENTS

- (a) The Executive Committee recommended the appointment of Professor Marion Jarrett (Special Education), and Professor Miriam Galston (Law), to the Policy Committee for the Child Care Center.
- (b) The Executive Committee appointed Visiting Professor Robert Cottrol from the Law School to the Panel of Hearing Officers for a 2-year term.

2. GRIEVANCE PROCEDURES

A Resolution to establish a Special Committee to determine whether, under established regulations of the University, a grievance can be brought against the Executive Committee of the Faculty Senate will be placed on the agenda for the November 15th Senate meeting.

3. FACULTY ASSEMBLY MEETING

A Faculty Assembly meeting has been called for Friday, November 1, 1996, for the introduction of newly-appointed faculty members. The Assembly will meet at 1:30 p.m. in Ross Hall, 101.

4. ANNOUNCEMENTS

- (a) Chairs of Senate Standing Committees are asked to present Interim Reports at the December 13th Senate meeting.
- (b) The next meeting of the Executive Committee is on Friday, October 25, 1996. Any items of business for the November Senate meeting should be forwarded to the Executive Committee before October 25th.

- e. To draft, where appropriate, specific language amending the Faculty Code to implement the recommendations of the Special Committee; and
- f. To submit its report, recommendations, and draft language to the Faculty Senate by October 1997.

Executive Committee of the Faculty Senate
September 27, 1996

Adopted October 11, 1996

-7

A RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE TO REVIEW
GRIEVANCE PROCEDURES AT THE GEORGE WASHINGTON UNIVERSITY
(96/6)

WHEREAS, the Faculty last reviewed the Faculty Code grievance procedures in 1986; and

WHEREAS, in recent years the number of grievances filed with the Dispute Resolution Committee has increased significantly; and

WHEREAS, it is prudent to consider possible changes in the Faculty Code grievance procedures, specifically, Procedures for the Implementation of the Faculty Code, E. Procedures for Implementation of Article X of the Faculty Code, to improve the efficiency of the process and the quality of the decisions; NOW THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

1. That a Special Committee of the Faculty Senate be and hereby is established to consist of five members to be nominated by the Executive Committee for election by the Senate; and
2. That this Special Committee be charged as follows:
 - a. To consider structural issues relating to the grievance procedures, including the size, composition, and term of membership of the Dispute Resolution Committee; and
 - b. To consider procedural issues relating to the grievance procedures, including the preliminary and formal procedures, the discovery mechanisms, the time periods provided for various stages of the procedures, the delegation of issues to the Hearing Officer for decision, and the appeals process; and
 - c. To consider remedial issues, including the consequences of failing to comply with Faculty Code provisions, the imposition of sanctions on parties who fail to file documents in a timely manner or who refuse to comply with discovery orders, and the vindication of the rights of a successful grievant; and
 - d. To consider such other defects in the grievance procedures as the Special Committee may discover; and

(continued)

Resolution 96/6 (above): Professors Mary Cheh, Chair (Law), Joseph Pelzman (ESIA), Todd Peterson (Law), David Robinson (Law), and Deputy General Counsel William Howard. Following a discussion by Professors Griffith, Boswell, Robinson, and Yezer, the nominees were approved.

II. NOMINATION FOR APPOINTMENT BY THE BOARD OF TRUSTEES TO THE COMMITTEE ON EXTERNAL AFFAIRS

Professor Boswell moved the nomination of Associate Professor Yvonne Captain for appointment by the Board of Trustees to the Committee on External Affairs. The nomination was approved.

III. NOMINATION FOR ELECTION TO SENATE STANDING COMMITTEES

Professor Boswell moved the nomination for election of the following: Professor Paul M. Swiercz and Professor Douglas Jones to the Committee on Honors and Academic Convocations; Professor Emeritus Peter P. Hill and Associate Professor Miriam Galston to the Committee on Appointment, Salary and Promotion Policies; and Professor William E. Seale, as Chair of the Committee on Administrative Matters as They Affect the Faculty. The nominations were approved.

IV. REPORT OF THE EXECUTIVE COMMITTEE

The Report of the Executive Committee by Professor Boswell, Chair, is enclosed.

V. INTERIM REPORTS OF SENATE COMMITTEE CHAIRS


No Interim Reports were made.

BRIEF STATEMENTS (AND QUESTIONS)

Professor Yezer said that he wished to note with some pleasure, having been here for a number of years, the increasing quality of the outside speakers who come to campus, and he thought that the administration, the faculty, and the schools should be commended for this. He hoped that the faculty would urge students to attend these lectures and that the faculty, themselves, would attend.

ADJOURNMENT

Upon motion made and seconded, Vice President Lehman adjourned the meeting at 2:40 p.m.


Brian Selinsky
Secretary

presence of attorneys which did not occur in the past. Because of the increasing adversarial relationships that seem to come up in these situations, he said the Executive Committee agreed that the grievance procedures should be reviewed. Professor Elgart spoke in support of the resolution because of the increased complexity of grievances being filed and the need to know how to deal with these complex cases.

Professor Griffith, having chaired the Professional Ethics and Academic Freedom Committee when it significantly revised the grievance procedures in 1986, spoke in support of the resolution. He said that one of the principal problems that he hoped would be addressed by the Special Committee would be the matter of remedial issues, i.e., what kinds of remedies the Hearing Committee or the Dispute Resolution Committee, sitting en banc on appeal, could provide a grievant that would be supported by the administration and the Board. If this problem can be clarified, he thought it might help in a lot of situations which now go either directly to court or simply go through the motions of the grievance procedure and then go to court because the grievants are not satisfied that they are getting a fair outcome from the hearing itself.

Professor Vontress inquired if the grievance procedures applied to all schools, and Professor Solomon replied that they are applicable to all schools of the University.

Professor Robinson, former Chair of the Executive Committee, pointed out that there were probably an average of five or six potential grievances each year that come to the Chair of the Executive Committee. One of the problem areas, she said, is the process of mediation. Even though the Code is very clear, she said that there has been some confusion over the interpretation of this procedure, and she urged the Special Committee to pay particular attention to the mediation process.

The question was called, the motion put, and Resolution 96/6 was adopted unanimously. (Resolution 96/6 is attached.)

INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

GENERAL BUSINESS

I. NOMINATION FOR ELECTION TO A SPECIAL COMMITTEE TO REVIEW GRIEVANCE PROCEDURES AT THE GEORGE WASHINGTON UNIVERSITY

Professor Boswell moved the nominations for election of the following nominees to the Special Committee established by

**THE GEORGE WASHINGTON UNIVERSITY
Washington, DC**

**MINUTES OF THE REGULAR MEETING
OF THE FACULTY SENATE HELD ON
OCTOBER 11, 1996, IN STUART HALL 210**

The meeting was called to order by Vice President Lehman at 2:15 p.m.

Present: Vice President Lehman, Registrar Selinsky, Parliamentarian Keller, Dean Fowler; Professors Agnew, Boswell, Brewer, Elgart, Griffith, Gupta, Harrington, Ludlow, Robinson, Seale, Silber, Slaby, Smith, Solomon, Vontress, Wirtz, Yezer, and Youens

Absent: President Trachtenberg; Deans Caress, Friedenthal, Frieder, Futrell, Harding, and Keimowitz; Professors Captain, Castleberry, Harrauld, Johnston, Kahn, Kimmel, and Pelzman

APPROVAL OF MINUTES

The minutes of the regular meeting of September 13, 1996, were approved, as previously distributed.

RESOLUTIONS

I. RESOLUTION 96/6, "A RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE TO REVIEW GRIEVANCE PROCEDURES AT THE GEORGE WASHINGTON UNIVERSITY"

On behalf of the Executive Committee of the Faculty Senate, Professor Lewis D. Solomon moved the adoption of Resolution 96/6, and the motion was seconded. Professor Solomon explained that the grievance procedures were last reviewed by the Senate ten years ago. Since that time there has been an increasing volume and complexity of grievances being brought. Therefore, the Executive Committee saw a need to have a Special Committee review the grievance process for the purpose of improving the efficiency of the process and the quality of the decisions.

Professor Seale asked about the number and type of grievances typically filed over the course of one year. Professor Solomon replied that an average of two grievances per year are filed that go through the formal hearing procedures and approximately two per year that go through the informal mediation procedures. He said the types of grievances are described in the Faculty Code. Professor Boswell pointed out that the informal mediation stage of the grievance procedures has now become complicated by the